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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To provide reimbursements for the child care operational emergency costs of certain institutions during the COVID–19 pandemic, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. TRONE introduced the following bill; which was referred to the Committee
on _____

A BILL

To provide reimbursements for the child care operational emergency costs of certain institutions during the COVID–19 pandemic, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Food and Nutrition
5 Provider Emergency Support Act of 2020”.

1 **SEC. 2. CHILD CARE OPERATIONAL EMERGENCY COSTS**
2 **DURING COVID-19 PANDEMIC.**

3 (a) USE OF CERTAIN APPROPRIATIONS TO COVER
4 CHILD AND ADULT CARE FOOD PROGRAM CHILD CARE
5 OPERATIONAL EMERGENCY COSTS DURING COVID-19
6 PANDEMIC.—

7 (1) IN GENERAL.—

8 (A) REQUIRED ALLOTMENTS.—Notwith-
9 standing any other provision of law, the Sec-
10 retary shall allocate to each State that partici-
11 pates in the reimbursement program under
12 paragraph (3) such amounts as may be nec-
13 essary to carry out reimbursements under such
14 paragraph for each reimbursement month, in-
15 cluding, subject to paragraph (4)(C), adminis-
16 trative expenses necessary to make such reim-
17 bursements.

18 (B) GUIDANCE WITH RESPECT TO PRO-
19 GRAM.—Not later than 10 days after the date
20 of the enactment of this section, the Secretary
21 shall issue guidance with respect to the reim-
22 bursement program under paragraph (3).

23 (2) REIMBURSEMENT PROGRAM APPLICA-
24 TION.—To participate in the reimbursement pro-
25 gram under paragraph (3), not later than 30 days
26 after the date described in paragraph (1), a State

1 shall submit an application to the Secretary that in-
2 cludes a plan to calculate and disburse reimburse-
3 ments under the reimbursement program under
4 paragraph (3).

5 (3) REIMBURSEMENT AMOUNT.—Using the
6 amounts allocated under paragraph (1)(A), a State
7 participating in the reimbursement program under
8 this paragraph shall make reimbursements for child
9 care operational emergency costs for each reimburse-
10 ment month as follows:

11 (A) For each new covered institution in the
12 State for the reimbursement month, an amount
13 equal to 55 percent of—

14 (i) the average monthly amount such
15 covered institution was reimbursed under
16 subsection (c) and subsection (f) of section
17 17 of the Richard B. Russell National
18 School Lunch Act (42 U.S.C. 1766) for
19 meals and supplements served by such new
20 covered institution during the alternate pe-
21 riod; minus

22 (ii) the amount such covered institu-
23 tion was reimbursed under such section for
24 meals and supplements served by such new

1 covered institution during such reimburse-
2 ment month.

3 (B) For each covered institution not de-
4 scribed in subparagraph (A) in the State for
5 the reimbursement month, an amount equal to
6 55 percent of—

7 (i) the amount such covered institu-
8 tion was reimbursed under subsection (c)
9 and subsection (f) of section 17 of the
10 Richard B. Russell National School Lunch
11 Act (42 U.S.C. 1766) for meals and sup-
12 plements served by such covered institution
13 during the month beginning one year be-
14 fore such reimbursement month; minus

15 (ii) the amount such covered institu-
16 tion was reimbursed under such section for
17 meals and supplements served by such cov-
18 ered institution during such reimbursement
19 month.

20 (C) For each new sponsoring organization
21 of a family or group day care home in the State
22 for the reimbursement month, an amount equal
23 to 55 percent of—

24 (i) the average monthly amount such
25 new sponsoring organization of a family or

1 group day care home was reimbursed
2 under section 17(f)(3)(B) of the Richard
3 B. Russell National School Lunch Act (42
4 U.S.C. 1766(f)(3)(B)) for administrative
5 funds for the alternate period; minus

6 (ii) the amount such new sponsoring
7 organization of a family or group day care
8 home was reimbursed under such section
9 for administrative funds for the reimburse-
10 ment month.

11 (D) For each sponsoring organization of a
12 family or group day care home not described in
13 subparagraph (C) in the State for the reim-
14 bursement month, an amount equal to 55 per-
15 cent of—

16 (i) the amount such sponsoring orga-
17 nization of a family or group day care
18 home was reimbursed under section
19 17(f)(3)(B) of the Richard B. Russell Na-
20 tional School Lunch Act (42 U.S.C.
21 1766(f)(3)(B)) for administrative funds for
22 the month beginning one year before such
23 reimbursement month; minus

24 (ii) the amount such sponsoring orga-
25 nization of a family or group day care

1 home was reimbursed under such section
2 for administrative funds for such reim-
3 bursement month.

4 (4) TREATMENT OF FUNDS.—

5 (A) AVAILABILITY.—Funds allocated to a
6 State under paragraph (1)(A) shall remain
7 available until March 30, 2021.

8 (B) UNAFFILIATED CENTER.—In the case
9 of a covered institution or a new covered insti-
10 tution that is an unaffiliated center that is
11 sponsored by a sponsoring organization and re-
12 ceives funds for a reimbursement month under
13 subparagraph (A) or (B), such unaffiliated cen-
14 ter shall provide to such sponsoring organiza-
15 tion an amount of such funds as agreed to by
16 the sponsoring organization and the unaffiliated
17 center, except such amount may not be greater
18 be than 15 percent of such funds.

19 (C) ADMINISTRATIVE EXPENSES.—A State
20 may reserve not more than 1 percent of the
21 funds allocated under paragraph (1)(A) for ad-
22 ministrative expenses to carry out this sub-
23 section.

24 (D) UNEXPENDED BALANCE.—On Sep-
25 tember 30, 2021, any amounts allocated to a

1 State under paragraph (1)(A) or reimbursed to
2 a new covered institution, covered institution,
3 new sponsoring organization of a family or
4 group day care home, or sponsoring organiza-
5 tion of a family or group day care home that
6 are unexpended by such State, new covered in-
7 stitution, covered institution, new sponsoring
8 organization of a family or group day care
9 home, or sponsoring organization of a family or
10 group day care home, shall revert to the Sec-
11 retary.

12 (5) REPORTS.—Each State that carries out a
13 reimbursement program under paragraph (3) shall,
14 not later than September 30, 2021, submit a report
15 to the Secretary that includes a summary of the use
16 of such funds by the State and each new covered in-
17 stitution, covered institution, new sponsoring organi-
18 zation of a family or group day care home, or spon-
19 soring organization of a family or group day care
20 home.

21 (b) DEFINITIONS.—In this section:

22 (1) CHILD CARE OPERATIONAL EMERGENCY
23 COSTS.—The term “child care operational emergency
24 costs” means the costs under the child and adult
25 care food program under section 17 of the Richard

1 B. Russell National School Lunch Act (42 U.S.C.
2 1766) incurred by a new covered institution, covered
3 institution, new sponsoring organization of a family
4 or group day care home, or sponsoring organization
5 of a family or group day care home—

6 (A) during a public health emergency;

7 (B) that are related to the ongoing oper-
8 ation, modified operation, or temporary suspen-
9 sion of operation (including administrative
10 costs) of such new covered institution, covered
11 institution, new sponsoring organization of a
12 family or group day care home, sponsoring or-
13 ganization of a family or group day care home,
14 or sponsoring organization of an unaffiliated
15 center; and

16 (C) except as provided under subsection
17 (b), that are not reimbursed under a Federal
18 grant.

19 (2) COVERED INSTITUTION.—The term “cov-
20 ered institution” means—

21 (A) an institution (as defined in section
22 17(a)(2) of the Richard B. Russell National
23 School Lunch Act (42 U.S.C. 1766(a)(2))); and

24 (B) a family or group day care home.

1 (3) NEW COVERED INSTITUTION.—The term
2 “new covered institution” means a covered institu-
3 tion for which no reimbursements were made for
4 meals and supplements under section 17(c) or (f) of
5 the Richard B. Russell National School Lunch Act
6 (42 U.S.C. 1766) with respect to the previous reim-
7 bursement period.

8 (4) NEW SPONSORING ORGANIZATION OF A
9 FAMILY OR GROUP DAY CARE.—The term “new
10 sponsoring organization of a family or group day
11 care” means a sponsoring organization of a family
12 or group day care home for which no reimburse-
13 ments for administrative funds were made under
14 section 17(f)(3)(B) of the Richard B. Russell Na-
15 tional School Lunch Act (42 U.S.C. 1766(f)(3)(B))
16 for the previous reimbursement period.

17 (5) PREVIOUS REIMBURSEMENT PERIOD.—The
18 term “previous reimbursement period” means the
19 period beginning March 1, 2019 and ending June
20 30, 2019.

21 (6) PUBLIC HEALTH EMERGENCY.—The term
22 “public health emergency” means a public health
23 emergency declared pursuant to section 319 of the
24 Public Health Service Act (42 U.S.C. 247d) result-
25 ing from the COVID–19 pandemic.

1 (7) REIMBURSEMENT MONTH.—The term “re-
2 imbursement month” means March 2020, April
3 2020, May 2020, and June 2020.

4 (8) SECRETARY.—The term “Secretary” means
5 the Secretary of Agriculture.

6 (9) STATE.— The term “State” has the mean-
7 ing given such term in section 12(d)(8) of the Rich-
8 ard B. Russell National School Lunch Act (42
9 U.S.C. 1760(d)(8)).